

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JUAN CARLOS CUELLAR, et al. ) Case No.: C 09-4047 PSG  
Plaintiffs, )  
v. ) **ORDER TO SHOW CAUSE WHY  
ANTHONY FIDEL ALAMILLO, et al., ) CASE SHOULD NOT BE DISMISSED  
Defendants. ) FOR FAILURE TO PROSECUTE**  
\_\_\_\_\_ )

This case was originally assigned to District Judge James Ware. On September 10, 2010, the parties filed a Joint Pretrial Statement, in which they consented to Magistrate Judge jurisdiction. Thereafter, the case was reassigned to the undersigned. A case management conference was scheduled in this matter for December 14, 2010. None of the parties appeared. Additionally, none of the parties filed a case management conference statement pursuant to Civ L.R. 16-9.

Under Federal Rule of Civil Procedure 41(b), if the plaintiff fails to prosecute or to comply with these rules or a court order, the court may dismiss the action *sua sponte*. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630, 82 S.Ct. 1386, 1388, 8 L.Ed.2d 734 (1962). Accordingly, Plaintiffs are ordered to show cause why the case should not be dismissed for failure to prosecute. Plaintiffs shall

1 respond in writing no later than December 28, 2010.

2 IT IS SO ORDERED.

3

4 Dated: December 15, 2010

5   
6 PAUL S. GREWAL  
7 United States Magistrate Judge

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28